

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) No. 4:06CR602 CDP
)
HENRY C. FINNER,)
)
 Defendant.)

ORDER

This matter is before the Court on defendant Henry C. Finner's motions to sever, to dismiss, and to suppress evidence and statements.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Frederick R. Buckles. Judge Buckles held an evidentiary hearing on February 21, 2007, and thereafter filed his Report and Recommendation regarding the defendant's motions. Defendant has objected to the recommendations, and the government filed a response.

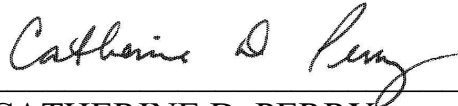
I have conducted a *de novo* review of the defendant's motions, including listening to the recording of the evidentiary hearing and considering all matters of record. After fully considering all of the evidence, I will adopt Judge Buckles' Report and Recommendation in all respects. In particular, the evidence shows that defendant was not in custody during the questioning, so there was no

constitutional violation involved in his statement. Additionally, the counts are properly joined and are not multiplicitous. I will therefore adopt and sustain the thorough reasoning of Magistrate Judge Buckes set forth in support of his recommended rulings issued on March 28, 2007.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#59] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motion for severance [#45], his motion to suppress evidence and statements [#43] and his motions to dismiss indictment [#14, #44] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 24th day of April, 2007.